

### **REMARKS**

The provisional election of claims 1-9 and 12, made with traverse, is hereby affirmed. Claims 10, 11 and 13 are withdrawn.

Claims 1-5 and 12 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,242,702 to Ford. Claims 6-9 were rejected under 35 U.S.C. 103(a) as being anticipated by EP0638486. Claim 1 has been amended to include the features of original claims 4 and 8, and original claims 4, 5, 8 and 12 have been canceled. It is respectfully submitted that claims 1-3, 6, 7 and 9, as presently recited, are not unpatentable over the cited references.

EP0638486 discloses neither a disc-shaped cartridge or a cartridge having the aspect ratios recited in claim 1. Instead, EP0638486 discloses a rectangular cartridge. There is no disclosure that the rectangular cartridge of EP0638486 could be disc-shaped, and no motivation is provided in EP0638486 to change its rectangular cartridge to disc-shaped.

Ford does not disclose a filter disposed between a storage chamber and at least a part of an under-surface of the top of the cartridge forming one or more passages between the filter and the top of the cartridge. Instead, Ford discloses a filter 4 that is on a bottom of the cartridge, as evident from Figure 3.

In addition, Ford does not disclose a beverage flow linking the one or more inlets and the outlet which passes upwardly through a filter into the passages. Instead, Ford discloses a cartridge having a downward flow of fluid through the cartridge.

The cartridges of Ford and EP0638486 are different, having different shapes and different flow paths. There is no motivation identified in either reference for the combination proposed in the Office action.

With respect to claim 14, neither Ford nor EP0638486 disclose a circumferential manifold substantially surrounding a storage chamber.

With respect to claims 15-17, neither Ford nor EP0638486 disclose the recited elements.

For the reasons set forth above, claims 1-3, 6, 7, 9 and 14-17 are believed to be allowable over the cited references, and reconsideration and allowance of claims 1-3, 6, 7, 9 and 14-17 are respectfully requested.

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Amendment dated May 10, 2006  
Reply to the Office action of February 23, 2006

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

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